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Via hand delivery

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

Re: CC Docket No. 00-176

Dear Ms. Salas:

On November 6, 2000, the undersigned, on behalf of Covad Communications Company, had an *ex parte* telephone conversation with Eric Einhorn and Christopher Libertelli of the Policy Division, Common Carrier Bureau, to respond to Verizon's October 16, 2000 *ex parte* letter[1] in the above-referenced docket. Specifically, Covad responded to Verizon's explanation of its unilateral "study" of its on-time loop performance.

In Attachment K to Verizon's Guerard/Canny Declaration, Verizon purports to conduct its own study of its provisioning interval for DSL loops for June and July 2000. In that study, Verizon concludes the average completed interval for CLECs for June 2000 was 7.16 days, and for July 2000 was 7.14 days. In order to conduct that study, Verizon clarifies in its October 16, 2000, ex parte letter, "Verizon took the lists for June and July, generated for the Attachment L study, of LSRs that did not match the requested due date."[2] Attachment L reports on Verizon's study of all DSL loop orders for June 2000 and July 2000, where Verizon concludes that "97.69%" of the time "the requested due date was provided and the correct interval was provided" for those two months.

First, as to Attachment L, what Verizon trumpets as it 97.69% on-time performance is meaningless. Verizon is simply reporting on the percentage of time that it sent a Firm Order Commitment (FOC) to a CLEC that matched the due date requested by the CLEC. In certain cases, Verizon reports on the percentage of time that its FOC date matched the provisioning interval (of six or nine days, depending on manual loop qualification). In either case, Verizon highlights the 97.69% figure as a feel-good figure

[1] *See* Letter to Magalie Roman Salas, Secretary, FCC, from Dee May, Executive Director, Federal Regulatory, Verizon, CC Docket No. 00-176, dated Oct. 16, 2000.
[2] *Id.* at 1.

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– and that's all it is. It is completely irrelevant to Verizon's provisioning performance whether it gives a CLEC a FOC date that matches the CLEC-requested date or the standard interval. The FOC is simply a promise to deliver a loop on a particular date. That promise, as evidenced by the 51% on-time performance in PR 3-10, is broken almost as often as it is kept. Regardless of how often Verizon promises to deliver service on time – which is all that its "study" in Attachment L measures – it simply fails to deliver those loops on time, and that failure is nowhere reflected in Attachment L.

Verizon then uses a small percentage of those loops for its "study" in Attachment K of its average provisioning interval. Interestingly, Verizon self-selected only those 1883 orders where the confirmed due date did not meet the requested due date for its provisioning interval "study." First, Verizon is reporting on what it admits to be only 24% of the DSL loop orders submitted in June and July 2000 (1883 out of 7851 loops). This is obviously important for determining what Verizon's true provisioning interval is – that figure cannot be determined by analyzing only 24% of the DSL loop orders. Second, Verizon is not reporting solely on the provisioning interval for loops that are entitled to the nine day interval because of a manual loop qualification request – which is what its "study" appears to suggest. Rather, the 1883 loops are loops where Verizon's FOC date did not match the CLEC-requested due date. That is not necessarily due only to a manual loop qualification request – indeed, Verizon does not even attempt to claim that all of those 1883 orders were entitled to a nine day interval. Some of those 1883 loops could have been simply loop orders where Verizon's FOC did not match the requested due date for non-manually qualified loops. How many? We don't know. As with its other "internal" studies, Verizon figures have not been subjected to independent, third party verification, either by the Massachusetts DTE, KPMG, or the CLECs on whose loop orders Verizon bases its study.

Covad also pointed out that the business rules of the provisioning performance metrics permit Verizon to exclude "facilities" issues from its reported performance. Specifically, the rules permit Verizon to exclude "orders that are not complete" from its provisioning performance. Facilities issues result when Verizon determines that a loop that it planned to provide to a CLEC does not work, or runs through a DLC, or is actually in use by another customer, or is being "reserved" by Verizon for unspecified reasons. Facilities issues prevent Covad from getting a UNE loop from Verizon, but Verizon does not report on facilities issues in its provisioning metrics because orders not provisioned due to facilities issues are "orders that are not complete." Indeed, the problem is amplified by PR 5-01, where Verizon reports on missed appointments – facilities. Again, Verizon excludes "orders that are not complete" from that metric – so if the order was simply not provisioned because Verizon contended that no facilities were available, it would be excluded from PR 5-01, because the order was never completed.

Sincerely,

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